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RECEIVED

JUN 14 1996

Federal Communications Commission
Office of Secretary

June 14, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: MM Docket No. 95-126
RM-8671
Denison-Sherman, Paris, Jacksboro,
Texas, and Madill, Oklahoma

Dear Mr. Caton:

Transmitted herewith, on behalf of CarePhill Communications, licensee of Station KBUS(FM), Paris, Texas, are an original and four copies of its "Petition for Reconsideration" in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump
Anne Goodwin Crump
Counsel for CarePhil Communications

Enclosures

049

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

JUN 14 1996

*Federal Communications Commission
Office of Secretary*

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM DOCKET NO. 95-126
Table of Allotments,)	RM-8671
FM Broadcast Stations.)	
(Denison-Sherman, Paris, Jacksboro,)	
Texas, and Madill, Oklahoma))	

Directed to: Chief, Allocations Branch

PETITION FOR RECONSIDERATION

CarePhil Communications ("CarePhil"), licensee of Station KBUS(FM), Paris, Texas, by its attorneys, hereby respectfully submits its Petition for Reconsideration of the Commission's Report and Order, DA 96-677, released May 7, 1996, ("Report and Order") in the above-referenced proceeding. With respect thereto, the following is stated:

1. As an initial matter, it should be noted that CarePhil is in fact the licensee of KBUS(FM). On May 17, 1995, CarePhil notified the Commission by certified mail that it had become the licensee of KBUS(FM) on May 5, 1995, upon consummation of the assignment of license approved by the Commission (File No. BALH-941011GJ). Copies of the letter notification and the return receipt indicating that the Commission received the notification on May 23, 1995, are attached hereto. Nevertheless, both the Notice of Proposed Rule Making and Order to Show Cause, 10 FCC Rcd 8303 (1995), and the Report and Order were served on the former licensee at an address in Chicago, Illinois, and were not served on CarePhil. Therefore, CarePhil did not receive notice as required by Section 1.87 of the Commission's Rules, despite

the fact that the Notice of Proposed Rule Making was not even adopted until July 25, 1995, and was not released until August 4, 1995. Both of these dates are over two months after the Commission had received notification that CarePhil had become the licensee of KBUS(FM). Thus, CarePhil was not provided with proper notice of the proposed change in channel for KBUS(FM), and that failure impinged upon its rights in this proceeding. Moreover, since CarePhil was not provided with proper notice of the proposed change in channel, it cannot be deemed to have consented to the change pursuant to Section 1.87 of the Commission's Rules.

2. As a separate matter, the Report and Order in this proceeding notes that Hunt Broadcasting, Inc. ("Hunt"), the petitioner, has stated its intention to reimburse the licensee of KBUS(FM) for all reasonable it would incur in changing channels. Once it learned of the proposed change in channel, CarePhil began in September 1995 to attempt to reach an agreement with Hunt as to the amount to be reimbursed. CarePhil has been unable to move the negotiations forward, however. It made its most recent proposal on June 6, 1996. Both its September 1995 and June 1996 proposals were supported by information provided by outside technical experts.

3. Up to this time, however, Hunt has failed to provide reasonable responses to CarePhil and to enter into the negotiations necessary to reach an agreement with CarePhil. While CarePhil might be willing to consent to the change in channel, it is not willing, nor is it required, to make the change at its own expense. Rather, Commission rules and policy make it quite clear that Hunt is required to pay the reasonable expenses associated with the channel substitutions it has requested. Hunt has failed to take any action which would indicate that it intends to follow through on the reimbursement commitment expressed in its Comments in this proceeding. Until such time as Hunt fulfills its obligations by entering into good faith negotiations with CarePhil

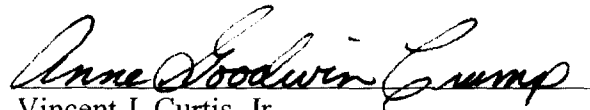
and concluding an agreement providing for the reimbursement of CarePhil's expenses in connection with the change in channel, the channel substitutions set forth in the Report and Order should not become final.

WHEREFORE, the premises considered, CarePhil seeks reconsideration of the Report and Order in this proceeding.

Respectfully submitted,

CAREPHIL COMMUNICATIONS

By:



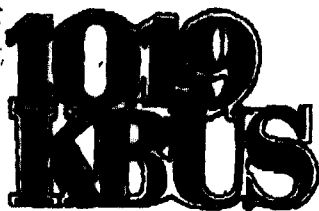
Vincent J. Curtis, Jr.

Anne Goodwin Crump

Its Attorneys

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1300 N. 17th Street
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Rosslyn, Virginia 22209
(703) 812-0400

June 14, 1996



50,000 WATTS

STEREO FM • PARIS, TX

May 17, 1995

Chief, FM Branch
Mass Media Bureau
Federal Communications Commission
Washington, DC 20554

Re: KBUS(FM), File #BALH-941011GJ

Dear Sir:

Pursuant to your Notice to Assignee concerning the Assignment of License for Radio Station KBUS, Paris, Texas, to CarePhil Communications, granted on February 2, 1995, this letter will serve as required notification of the exact date of consummation, i.e. the date on which the acts necessary to affect the assignment were completed, to-wit:

Friday, May 5, 1995

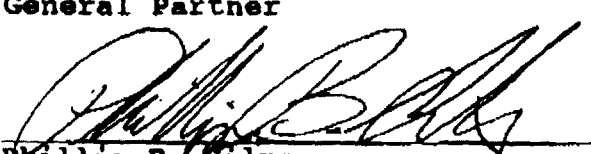
The address currently on file, 617 South Park Drive, Broken Bow, OK 74728, is the physical location of the Partnership office. The correct mailing address for CarePhil Communications is P. O. Box 1016, Broken Bow, OK 74728-1016. No applications are pending before the FCC at this time.

CAREPHIL COMMUNICATIONS

By


Alyce Carole Williams,
General Partner

By


Phillip B. Silva,
General Partner

CERTIFIED MAIL

Is your RETURN

6. Signature (Agent)

PS Form 3811, December 1991

U.S. GPO: 1993-552-714

DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Chief, A.M. Branch
1919 M. St. N.W.
Wash. D.C. 20554

4a. Article Number

Z 380-081-186

4b. Service Type

- ☐ Registered ☐ Insured
☐ Registered Mail ☐ Return Receipt for Merchandise
☐ Express Mail

7. MAY 23 1995

5. Signature (Addressee)

8. Addressee's Address (Only, if requested)

6. Signature (Agent)

PS Form 3811, December 1991

U.S. GPO: 1993-552-714

DOMESTIC RETURN RECEIPT

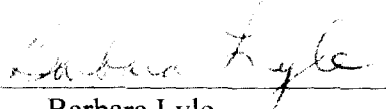
The Thank you for using Return Receipt Service.

CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a copy of the foregoing "Petition for Reconsideration" was sent this 14th day of June, 1996, by first-class United States mail, postage prepaid, to:

Mark N. Lipp, Esquire
Mullin Rhyne Emmons & Topel, P.C.
Suite 300
1225 Connecticut Avenue, N.W.
Washington, D.C. 20036-2604
Counsel for Hunt Broadcasting, Inc.

Radio Station KMAD
P.O. Box 576
Madill, Oklahoma 73446



Barbara Lyle